

can be ignored with impunity. I think that is wrong. I think it is immoral and I say it becomes a moral issue because we have taken a lesser offense likely to be committed by a person of lesser standing and made that greater offense less serious as far as its punishment than we have made the lesser offense by the lesser statused individual. So what my amendment would do is to serve notice of how serious we view this kind of activity to be. Remember, if the banker disregards the final order that in itself does not bring the punishment on the banker's unworthy head. There would have to be a prosecution in court at which time the banker could challenge the validity of the order. I think from the discussion that occurred the other day and the implication left by that letter from the Banking Committee, not the Banking Committee, the banking lobby, was that as soon as the order is issued by the director of the department and it is violated the banker is hauled off to jail. Well perhaps that should be the type of summary justice but it happens not to be. There must come a conviction in court first. That conviction, since we are dealing with a crime, must prove every element of the offense beyond a reasonable doubt and if such occurs then the person stands convicted. The punishment ought to be relatively severe. We are not talking about lay persons who would stumble into something through inadvertence. We are talking about a banker who probably has had oral discussions with people in the Banking Department who has shown himself or herself to be so recalcitrant that it is necessary to formalize the orders of the Banking Department through this written order and after all that the banker still refuses to comply with the order. Under these circumstances we have an individual with knowledge of his or her wrong in the first place because he or she is perpetrating the wrong. They have notice if they weren't aware because the bank examination is going to disclose it, then they will be called in for a conference. They get a second written notice that they are to stop. How much begging and pleading and cringing and crawling must the Legislature do before the bankers? They are not being treated oppressively. They are being asked to conduct their business in the way that a prudent banker, not a dishonest banker who shows prudence by trying to cover his or her tracks capably. When I say a